SUPREME COURT OF THE UNITED STATES.

No. 297.

THE UNITED STATES, APPELLANTS,

vs.

THE STEAMER ANNA PERRET, HER TACKLE, APPAREL, &c.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA.

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1 *Libel of information.—Filed June* 20, 1865.

To the honorable the judges of the circuit court court of the United States for the sixth judicial circuit and eastern district of Louisiana.

The libel of information of Rufus Waples, attorney of the United States for the eastern district of Louisiana, who prosecutes for the said United States in this behalf, and being here present in court, in his own proper person, in the name and behalf of the said United States of America, and Charles Black, sr., informant, against the steamer Anna Perret, her tackle, apparel, and furniture, hereinafter described, and against all persons intervening for their interest therein, in a case of seizure and forfeiture, alleges, propounds, and declares as follows:

I. That Cuthbert Bullitt, esq., marshal of the United States for the said district, under written authority given him by the said attorney, in compliance with instructions issued by the Attorney General of the United States to the district attorneys thereof, and by virtue of the act of Congress, approved on the sixth day of August, in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrectionary purposes," heretofore, that is to say, on the 15th day of June, in the year one thousand eight hundred and sixty-five, seized as forfeited to the United States, at New Orleans, within said district, and within the jurisdiction of this court, the steamer Anna Perret, her tackle, apparel, machinery, and furniture.

2 II. That by the act of the Congress of the United States, approved August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes," it was provided "that if, during the present or any future insurrection against the government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employee, shall purchase or acquire, sell or give, any property of whatever kind or description, with intent to employ the same, or suffer the same to be used or employed in aiding, abetting, or promoting such rebellion or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned."

III. That the President of the United States did, on the 15th of April, 1861, declare by proclamation "that the laws of the United States are opposed and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judi-

cial proceedings, or by the power vested in the marshals by law;" and that on the 16th of August, 1861, he did reiterate said proclamation, and did declare that "such insurrection" still existed and had not been suppressed.

IV. 1. That the property herein above described was used and employed knowingly by the owner or owners thereof, in aiding, abetting, or promoting the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of the said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in transporting troops of the so-called Confederate States, in insurrection against the government of the U. S., and in transporting munitions, supplies, &c., for said troops.

2. That the property herein described was used and employed, knowingly by the owner or owners thereof, in aiding and abetting persons engaged in the said insurrection and resistance to the laws, within the meaning of the said act of Congress, after the approval of said act, and after the public proclamations of the President above mentioned, and after the 16th day of August, 1861, by being used in the transportation of troops in the service of the so-called confederate government, and in transporting munitions of war, supplies, &c., for the use of said confederate troops in insurrection against the government of the United States.

3. That the said property was purchased and acquired and sold and given by the owner or owners thereof, or by his, her, or their agent or employee, with intent to use or employ the same for the purpose of aiding, abetting, or promoting the said insurrection and resistance to the laws, after the approval of said act, and after the public proclamations above mentioned, and after the 16th day of August, 1861, by being used in the transportation of confederate troops and supplies and ammunition, &c., for the so-called confederate government.

4. That the owner or owners of the said property did knowingly consent to the use or employment of it for the purpose of aiding or abetting or promoting said insurrection and resistance to the laws, or of aiding, abetting, or promoting persons engaged therein, after the approval of said act, and after the proclamations above mentioned, and after the 16th day of August, 1861, by permitting the use of the boat as aforesaid.

5. That the owner or owners of said property, his, her, or their agent or employee, did suffer said property to be used or employed in aiding, abetting, or promoting the insurrection proclaimed by the President as aforesaid, and in aiding, abetting, or promoting a person or persons engaged in said insurrection, after the approval of act above mentioned, and after the proclamation of the President, duly made public on the 16th day of August, 1861, by permitting its use as above set forth.

V. That by reason of the premises, the property herein described became and was forfeited to the United States, and ought to be confiscated and condemned to the use of the said United States as enemy property.

Wherefore the said attorney, in the name and behalf of the United

States of America, prays that process of monition may issue against the said property and the owner or owners thereof, and against all persons interested or claiming an interest therein, warning them at some early day, to be named therein, to appear and answer this libel of information; and that an order of publication may be made in the usual form; and that all due proceedings being had, this honorable court may be pleased to decree for the condemnation and forfeiture of the said property to the use and ownership of the said United States, and of Charles Black, sr., informant. And he prays for such further relief as the court is competent to give in the premises.

(Signed) RUFUS WAPLES,
United States Attorney for the Eastern District of Louisiana.

Filed June 20, 1865.

3 *Order of publication.*

United States circuit court for the sixth judicial circuit and eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER ANNA PERRET, tackle, apparel, and furniture. } No. 3,596.

Whereas the steamer Anna Perret, her tackle, apparel, and furniture, described in the libel filed by the district attorney, and now of record in this court, and all the right, title, and interest therein has been seized by the marshal of the United States for the eastern district of Louisiana, by virtue of an act of Congress, approved on the sixth day of August, in the year of our Lord one thousand eight hundred and sixty-one, entitled "An act to confiscate property used for insurrectionary purposes;" and whereas the United States attorney for the eastern district of Louisiana did, on the 20th day of June, A. D. 1865, file a libel of information in this court praying the condemnation of said property under the act aforesaid, and that process of monition issue against the owner and owners of said property and all persons interested or claiming an interest therein, warning them at some early day to appear and answer said information:

It is therefore, on this 27th June, in the year of our Lord eighteen hundred and sixty-five, ordered that notice be given to the owner and owners of said property and real estate, and all persons interested or claiming an interest therein, to appear and answer this information on the 17th day of July, 1865, and show cause, if any they have, why said property and the right, title, and interest therein should not be condemned and sold according to law; and that notice be given by posting a copy of this order upon the front door of the court house of the district, and by publication in the Times newspaper twice a week previous to said 17th day of July, A. D. 186 , the first publication to be on or before the 3d July, 1865.

New Orleans, June 27, 1865.

(Signed) E. H. DURELL, *Judge.*

4 *Warrant.*

The President of the United States of America to the marshal of the eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded forthwith to seize and into your possession take the steamer Anna Perret, her tackle, apparel, and furniture, described in the libel filed by the district attorney, now of record in this court, and now libelled by the United States for the causes set forth in the libel pending in the circuit court of the United States for the sixth judicial circuit and eastern district of Louisiana; that you do cite and admonish the owner or owners and all and every other person or persons having or pretending to have any right, title, or interest in or to the same, to be and appear before a circuit court of the United States for the district aforesaid, to be holden at the city of New Orleans, on or before the third Monday from the service hereof, to show cause, if any they have or can, why the said property should not be condemned and sold agreeably to the prayer of the libellant; and how you have executed this warrant, that you make return according to law.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 27th day of June, A. D. 1865. and 89th year of the independence of the United States.

(Signed) F. B. VINOT, *Deputy Clerk.* [SEAL.]

5 *Marshal's return.*

Received June 30, 1865, and having signed and taken into my possesson the steamer Anna Perret, her tackle, apparel, &c., on the authority of a previous writ, I posted a copy of this warrant, the libel, and order of the judge, on the door of the court house, and published the monition in the N. O. Times, a daily paper printed and published in New Orleans, on the 1, 6, 11, and 15 July, 1865.

(Signed) A. BAUDOUIN, *D'y.*

Returned July 17, 1865.

6 *Monition.*

In the United States circuit court for the sixth circuit and eastern district of Louisiana.

UNITED STATES *vs.* THE STEAMER ANNA PERRET, her tackle, apparel, etc.	No. 3,596.

In obedience to an admiralty warrant to me directed in the above-entitled suit, I have seized and taken into my possession the steamboat Anna Perret, her tackle, apparel, etc., now libelled by the United States of America for the causes set forth in the libel now pending in the circuit court of the United States; and I do hereby

cite and admonish the owner or owners thereof, and all and every person or persons having, or pretending to have, any right, title, or interest in or to the same, to be and to appear at a circuit court of the United States for the district aforesaid, to be holden at the city of New Orleans on or before the third Monday from the date hereof, to show cause, if any they have or can, why the said steam-
7 boat, her tackle, etc., should not be condemned as forfeited to the United States, and be sold agreeably to the prayer of libellants, and the proceeds thereof be distributed according to law.

United States marshal's office, New Orleans, 30th day of June, 1866.

(Signed) CUTHBERT BULLITT,
United States Marshal.

Claim of H. J. Phelps and J. E. Phelps.—Filed July 15, 1865.

In the United States circuit court, 6th circuit, and eastern district of Louisiana.

UNITED STATES
vs.
STEAMBOAT ANNA PERRET, her tackle, apparel, &c.

And now H. J. Phelps and J. E. Phelps, of the city of New Orleans, and State of Louisiana, come and claim as their own property the said steamboat Anna Perret, her tackle, apparel, &c.,
8 seized by the said libellant, and libelled and propounded against as forfeited in and by the libel of information aforesaid, to wit, under the act of Congress approved 6th August, 1861, entitled "An act to confiscate property used for insurrectionary purposes," and the said H. J. and J. E. Phelps allege that, at the time of the seizure aforesaid, they were, and yet are, the true, sole, and lawful owners and proprietors, bona fide, of the said steamboat Anna Perret, her tackle, apparel, &c., and of this day are ready to make due proofs by their own oath and otherwise, as the court shall direct.

(Signed) C. ROSELIUS, *Proctor.*

John D. Wilbanks, being duly sworn, deposes and says that he is the true and lawful agent of H. J. Phelps and J. E. Phelps, claimants herein, and that all the facts and allegations herein contained are true to the best of his knowledge and belief.

(Signed) JOHN D. WILBANKS.

Sworn to and subscribed before me, this 15th July, 1865.

(Signed) F. B. VINOT, *Dy. Clerk.*

9 *Bond for costs.—Filed July 15th,* 1865.

UNITED STATES OF AMERICA,
Eastern District of Louisiana, to wit, ss:

Personally appearing before me the undersigned, United States commissioner for the eastern district of Louisiana aforesaid, John D. Wilbanks, as agent of H. J. Phelps and J. E. Phelps, claimants, as

principal, and said John B. Wilbanks, in his own name, as surety, do hereby acknowledge themselves jointly and severally to be indebted unto the United States in the full sum of two hundred and fifty dollars, lawful money of the United States, to be levied of their goods, chattels, lands, and tenements, the use of the said United States, and for the payment whereof they jointly and severally bind themselves, their heirs, executors, and administrators, firmly by these presents.

Whereas, in the matter of the United States *vs.* The steamer Anna Perret, her tackle, &c., No. 3,596 of the docket of the circuit court of the United States for the eastern district of Louisiana, a libel of information has been filed on behalf of the United States.

This obligation to be null and void, on condition that the said H. J. Phelps and J. E. Phelps shall abide by the final decree rendered in the cause, and pay all such costs, expenses, and damages as shall be awarded by the court upon the final decree, whether it is rendered in the original or appellate court; otherwise this obligation to remain in full force and virtue.

(Signed) JOHN D. WILBANKS, *Agent.* [L. S.]
(Signed) JOHN D. WILBANKS. [L. S.]

Signed and sealed at the city of New Orleans, this 15 day of July, 1865, in presence of—

(Signed) CHS. CLAIBORNE, [SEAL.]
U. S. Commissioner in and for the Eastern District of Louisiana.

[5c. stamp, cancelled.]

10 *Petition to bond.—Filed July 15th, 1865.*

In the United States circuit court, 6th circuit, and eastern district of Louisiana.

UNITED STATES
vs.
STEAMBOAT ANNA PERRET, her tackle, apparel, &c.

The petition of H. J. Phelps and J. E. Phelps, residing in New Orleans, respectfully represents that as the sole and true owners, bona fide, of said steamboat Anna Perret, her tackle, apparel, etc., they are desirous of releasing said boat from the custody of the marshal upon executing bond and security according to law: Wherefore they pray the court to order an appraisement of said steamboat, &c., and to release her to your petitioner upon their furnishing bond and security, conditioned according to law, in such sum as the court may designate; and they pray for general relief; and they will
11 ever pray, &c., &c.

(Signed) C. ROSELIUS, *Proctor.*

John D. Wilbanks, being duly sworn, deposes and says that he is the true and lawful agent of H. J. Phelps and J. E. Phelps, and

that all the facts and allegations herein contained are true to the best of his knowledge and belief.

(Signed) JOHN D. WILBANKS.

Sworn to and subscribed before me, this 15th July, 1865.

(Signed) F. B. VINOT, *Dy. Clerk.*

Order.

Let the steamboat Anna Perret, her tackle, apparel, &c., be appraised by Heartt and Swain, and let the petitioners, H. J. Phelps and J. E. Phelps, be permitted to bond the same upon furnishing a stipulation in the sum exceeding by one-half the appraised value thereof, with good and solvent security, conditioned as the law directs, and upon payment of costs of appraisement.

(Signed) E. H. DURELL, *Judge.*

July 15th, 1865.

12 *Notice to appraisers.—Issued July 15th,* 1865.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
THE STEAMER ANNA PERRET, her tackle, &c. } No. 3,596.

To H. G. Heartt and Richard Swain:

Take notice that you have been this day appointed appraiser for the purpose of ascertaining the value of the property libelled in this case, and you are to file the report of your appraisement within the shortest possible delay.

By order of court.

(Signed) F. B. VINOT, *Deputy Clerk.* [SEAL.]

New Orleans, July 15, 1865.

Marshal's return.

Received July 15, 1865, and forthwith served a copy of the
13 order on Captain R. Swain personally.

(Signed) J. J. PREIS, *Dy. U. S. Marshal.*

July 15th, 1865.

Appraiser's report.—Filed July 15, 1865.

UNITED STATES
vs.
ST'R ANNA PERRET. } No. 3,596.

To the honorable circuit court for the eastern district of Louisiana:

We, the undersigned appraisers to this honorable court, duly appointed and sworn, have the honor to report that on the fifteenth day of July, 1865, we proceeded on board of the st'r Anna Perret, Gillam, master, for the purpose of ascertaining her value; and, after

a careful and thorough examination, find that she is about eight years old, built in Jeffersonville, Ind., 1857; her length is feet, inches; depth of hold feet inches. She is 172 tons burden;
14 and, on a careful examination of the said boat, her boilers, engines, tackle, and apparel, we do hereby value and appraise the said boat, her tackle, apparel, &c., at the sum of sixty-four hundred dollars, ($6,400,) cash, and no more.

Given under our hands this fifteenth day of July, 1865.

(Signed) H. G. HEARTT,
(Signed) RICHARD SWAIN,
U. S. Prize Appraisers, N. Orleans.

Bill of appraisers.—Filed July 15, 1865.

In the matter of the steamer Anna Perret.

UNITED STATES PRIZE COMMISSIONERS OFFICE,
Appraiser's Department, New Orleans, July 15*th*, 1865.

To appraiser's office, Dr.

For appraisement of the st'r Anna Perret, $6,400 *a* 1 p. c..... $64

15 *Release bond.—Filed June* 15, 1865.

UNITED STATES OF AMERICA,
Eastern District of Louisiana:

Know all men by these presents that we, John D. Wilbanks, agent of H. J. Phelps and J. E. Phelps, of New Orleans, claimants and owners of the steamer Anna Perret, her tackle, &c., as principal, and J. L. Warner and Wm. Noble as sureties, are held and firmly bound unto the United States of America, libellant, in the sum of nine thousand six hundred dollars, lawful money of the United States of America, for the payment whereof to the said United States we jointly and severally bind ourselves, our heirs, executors, and administrators, firmly by these presents.

Witness our respective names and seals, hereunto affixed by us at New Orleans, this 15th day of July, one thousand eight hundred and sixty-five.

Whereas an admiralty warrant was lately issued out of the honorable the circuit court of the United States of America for the eastern district of Louisiana, at the suit of United States *vs.* the st'r Anna Perret, her tackle, apparel, and furniture, and numbered 3,596 on the docket of the said court, commanding the marshal to seize and take into his possession the said steamer, her tackle, &c., which has been seized accordingly, but has been released from said seizure and delivered to the claimants and owners thereof by reason of the signing, sealing, and delivery of these presents, said H. J. Phelps and J. E. Phelps having obtained leave of court to bond said property, and filed a claim thereto, which is now of record in the clerk's office of this court.

Now, the condition of the above obligation is such, that if the said

claimant and sureties abide by all the orders, interlocutory or final, of the court, and pay the said libellants the amount awarded by the final decree, rendered in the court to which the process is returnable, or in any appellate court, then the foregoing obligation is to be void; but otherwise shall remain in full force and virtue.

(Signed) JOHN D. WILBANKS, *Ag't*, [L. S.]
(Signed) J. L. WARNER. [L. S.]
(Signed) WILLIAM NOBLE. [L. S.]

Signed, sealed, and delivered in the presence of—
(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

[5-ct. stamp, cancelled.]

16 Jotham L. Warner and William Noble, sureties on the within bond, being duly sworn, say that they reside in the city of New Orleans, and are worth each the sum of four thousand eight hundred dollars over and above all their just debts and liabilities.

(Signed) J. L. WARNER.

Sworn to and subscribed before me, this 15th day of July, 1865.
(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

[5-ct. stamp, cancelled.]

17 *Writ of release.*

UNITED STATES CIRCUIT COURT,
Eastern District of Louisiana, ss:

CLERK'S OFFICE, *New Orleans, July* 15, 1865.

UNITED STATES
vs.
THE STEAMER ANNA PERRET. } No. 3,596.

The President of the United States of America to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:

Whereas H. J. Phelps and J. E. Phelps, claimants and owners of said steamer, hath this day filed a claim thereto, on behalf of themselves, and obtained leave of court to bond the said steamer, her tackle, &c., and which said claim is now of record in this office.

You are hereby authorized to release the said steamer Anna Perret from seizure and her to restore to the possession and custody of said claimant, they having given bond conditioned as required by the order of court and otherwise complying with the rules of the court, &c., and make return hereon of your doings in the premises.

Witness the Hon. Salmon P. Chase, Chief Justice of the Supreme Court of the United States, at New Orleans, this 15th day of July, A. D. 1865, and the 90th year of the independence of the United States.

(Signed) F. B. VINOT, [SEAL.]
D'y Clerk.

18 *Marshal's return.*

Received July 15th, 1865, and on the same day, month, and year in obedience to this writ I released the steamboat Anna Perret, her tackle, apparel, and furniture unto the within named claimants, by giving unto the captain of said boat an order to the marshal's keeper to release the boat to said captain, who took possession of said boat forthwith.

July 15th, 1866.

(Signed) J. J. PREIS, *D'y U. S. Marshal.*

19 *Answer of claimants.—Filed November 27th, 1865.*

Which answer has been lost or mislaid. (See page 20.)

Notice to take testimony.—Issued November 29th, 1865.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
ST'R ANNA PERRET, tackle, apparel, and furniture. } No. 3,596.

To C. Roselius, esq.:

You are hereby notified that testimony will be taken in the above-entitled cause on Saturday, the 2d day of December, 1865, at the clerk's office of this court, at 2 o'clock p. m., on behalf of libellant.

(Signed) F. B. VINOT, [SEAL.]
D'y Clerk.

New Orleans, November 29th, 1865.

Marshal's return.

20 Received November 29th, 1865, and same day, month, and year served a copy of this notice on C. Roselius, esq., personally.

December 1st, 1865.

(Signed) G. HOLLANDER,
D'y U. S. Marshal.

Answer of claimants, by consent of the U. S. attorney in substitution of one filed November 27, 1865, filed by consent of U. S. attorney, December 5, 1865.

In the United States circuit court, 6th circuit and eastern district of Louisiana.

UNITED STATES
vs.
STEAMBOAT ANNA PERRET, her tackle, apparel, &c. } No. 3,596.

And now come H. J. Phelps and J. E. Phelps, loyal citizens of the United States, and for answer to the libel of information herein say:

To the 1, 2, and 3d articles of said libel of information, they say

that they admit the seizure of said steamboat Anna Perret,
21 her tackle, &c., by virtue of process issued herein, and that said steamboat, &c., is proceeded against by virtue of an act of Congress of the 6th August, 1861, and the proclamations of the President of the 15th April and 16th August, 1861, but your respondents aver that said seizure and said proceedings are without color of law and in violation of their rights and ownership in and to said steamboat, &c.

2d. To the IV article of said libel of information and to the specifications 1, 2, 3, 4, and 5, and to the V article thereof, they say that said steamboat Anna Perret, &c., was never used or employed knowingly by your respondents in aiding, abetting, or promoting the said insurrection and resistance to the laws within the meaning of the said act of Congress, after the approval thereof and after said public proclamations of the President, by being used in the transportation of confederate troops in insurrection against the government of the United States and in transporting munitions of war and supplies for the said troops, nor was said steamboat, &c., used
22 and employed by your respondents, the owners thereof, in aiding and abetting persons engaged in said insurrection and resistance to the laws within the meaning of the said act of Congress after the approval of said act, and after said public proclamations of the President, by being used in the transportation of troops of the so-called Confederate States, and in the transportation of munitions of war and supplies for the use of said troops; nor was said steamboat, &c., acquired, sold, or given by your respondents, or by their agent or employee, with intent to use or employ the same for the purpose of aiding, abetting, and promoting said insurrection and resistance to the laws, after the approval of said act of Congress and after the public proclamations aforesaid, for the purposes aforementioned, nor did your respondents knowingly consent to the use or employment of their said steamboat, &c., for the purposes of aiding, abetting, and promoting said insurrection and resistance to the laws, or of
23 aiding, abetting, and promoting persons engaged therein after the approval of said act of Congress and after the proclamations above mentioned for the purposes aforesaid; nor did your respondents, or their agent or employee, suffer said steamboat, &c., to be used or employed in aiding. abetting, or promoting the insurrection proclaimed by the President, as aforesaid, and in aiding, abetting, or promoting a person or persons engaged in said insurrection after the approval of said act of Congress above mentioned and after said public proclamations, by permitting the use of said steamboat, and as aforesaid, and your respondents say that said steamboat was lying in a district under rebel occupation, and if any illegal use was ever made of said steamboat, &c., the same was done by application of illegal and irresistible physical force, against the consent, will, or approbation of your respondents, or their agents or employees; that your respondents are, and always have been, loyal citizens of the United States, and by no act of theirs, or their agents or
24 employees, and by no uses to which said steamboat, &c., may

have been devoted, ought the same to be confiscated and condemned to the use of the U. S. as enemy's property.

Wherefore your respondents respectfully pray, that said libel may be dismissed with costs, and that said steamboat be restored to them, and they pray for general relief, &c., &c.

(Signed) C. ROSELIUS, *Proctor.*
(Signed) J. D. WILBANKS, *Ag't.*
(Signed) HARLOW J. PHELPS.

Sworn to and subscribed before me, this 5th day of December, 1865.

(Signed) F. B. VINOT, *D'y Clerk.*

Sworn to and subscribed before me, by Harlow J. Phelps, this 22d March, 1866.

(Signed) K. LOEW,
D'y Clerk U. S. Dist. Court.

Testimony for libellants.—Filed December 5th, 1865.

UNITED STATES
vs.
STEAMER ANNA PERRET.

25 R. Saunders, sworn for the U. S., says: This boat was in the confederate government service, carrying supplies, troops, ammunition, &c., in 1863 and '64. I know her captain, but don't know his name. The Anna Perret was plying between Alexandria and Shreveport, and some time from Alexandria below to Fort De Russy. Harlow J. Phelps was on board, and known as interested in her; but I don't believe, at least I cannot say, that he acted as captain of the boat.

Cross-ex.:

On some occasions the boat was ordered to render services to the confederates.

I don't know that she ever volunteered her services. Had she volunteered I would have known it.

Had she resisted the orders from the confederate officers, she would have been taken by them and run.

The captain of any boat that would have refused to obey would have been taken into the service of the confederates. They
26 would have found out what his services were useful for, and would have employed him accordingly. I know that Captain Phelps frequently objected to use his boat in the service of the confederates. I know that the captain objected to be called upon to do service for the confederacy, alleging that he desired to use his boat for his private service.

Re-ex.:

I do not know that there was any occasion for using force to make this boat render services to the confederates.

During the time she rendered services to the confederates she also run on her own account, and carried supplies and provisions to the people; this was in 1865, and on one occasion only. On the same occasion, in 1865, she was allowed to come out the Red river and run into the Mississippi river.

In 1863 and '64 she made trips on her own account, when not in the confederate service, doing her usual coasting business.

27 We always thought Mr. Phelps was a friend of the Union. He was so considered by us.

(Signed) R. W. SANDERS.

Sworn and subscribed to before me, this 5th December, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Commissioner.

Notice to take testimony.—Issued December 6, 1865.

United States circuit court eastern district of Louisiana.

UNITED STATES
vs.
STEAMER NINA SIMMES. } No. 3,596.

To C. Roselius, esq.:

You are hereby notified that testimony will be taken in the above-entitled cause on Wednesday, the 6th day of December, 1865, at the clerk's office of this court, at 5 o'clock p. m., on behalf of libellant.

(Signed) F. B. VINOT, *D'y Clerk.* [SEAL.]

New Orleans, Dec. 6th, 1865.

28 *Marshal's return.*

Received, December 6th, 1865, and same day, month, and year, served a copy of the within notice on C. Roselius, esq., in the hands of his partner, A. Philips, esq.

December 7th, 1865.

(Signed) J. J. PREIS,
Dy. U. Mrshal.

Testimony for libellants.—Dec'r 6, '65.

UNITED STATES
vs.
STR. ANNA PERRET. } No. 3,596.

Thos. L. Airy, sworn for U. S., says: I was asst. quartermaster in 1864 and 1865, about 2 months before the surrender. I saw the Anna Perret carry private stores at Natchitoches.

Never saw her carry troops or confederate stores.

Cross-examined:

29 I know she came up to Natchitoches loaded with these private stores, the greater portion of which were seized by the confederate government for the use of the army.

It was an act of seizure on the part of the confederates.

Re-ex.:

I think a portion of it was sold at marshal's sale, and the balance taken by the government. I don't know why the goods were confiscated and sold. It was for non-compliance with the contract, or for the character of the goods, or something of that kind, but don't know it positively.

(Signed) THOS. S. AIRY.

Sworn to and subscribed before me, this 6th December, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Commissioner.

Jas. A. Gresham, sworn for U. S., says: I was a bonded agent of the confederates stationed at Grand Ecore.

All I know of the Anna Perret is, that she was known as the
30 property of Harlow J. Phelps, and that his brother had an interest in her. That she plied between Shreveport and Alexandria in 1864 and '65. Never saw any troops, ammunition, or war materials of any kind on board. That she went down to New Orleans with the consent of the military authorities (conf.) with a load of cotton, and that she brought back private stores to Natchitoches. The boat was seized by the military authorities upon her arrival there, a portion of libelled condemned and sold. I afterwards saw her at Grand Ecore en route to Shreveport. Subsequently saw her at Grand Ecore; never saw any corn or confederate stores on her that I know of.

(Signed) JAS. A. GRESHAM.

Sworn to and subscribed before me, this 6th December, 1865.

(Signed) CHS. CLAIBORNE,
U. S. Commissioner.

31 *Notice to take testimony.—Issued December 22d, 1865.*

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
STR. ANNA PERRET. } No. 3,596.

To C. Roselius, esqr.:

You are hereby notified that testimony will be taken in the above-entitled cause on Wednesday, the 29th day of December, 1865, at the clerk's office of this court, at 10 o'clock a. m., on behalf of libellant.

[L. S.] (Signed) F. B. VINOT, *D'y Clerk.*

New Orleans, December 22d, 1865.

Marshal's return.

Received December 23d, 1865, and same day, month, and year served a copy of the within notice on C. Roselius, esqr., personally.
December 23d, 1865.
(Signed) J. J. PREIS,
D'y U. S. Marshal.

32 *Notice to take testimony.—Issued January* 12, 1866.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
STEAMER ANNA PERRET. } No. 3,596.

To C. Roselius, esqr.:

You are hereby notified that testimony will be taken in the above-entitled cause on Tuesday, the 16th day of January, 1866, at the clerk's office of this court, at 9 o'clock a. m., on behalf of libellant.
[L. S.] (Signed) J. B. VINOT, *D'y Clerk.*
New Orleans, Jan'y 12, 1866.

Marshal's return,

Received January 12th, 1866, and on same day, month, and year served a copy of the within notice on C. Roselius, esq., by
33 leaving it at his office in the hands of A. Philips, esq.
New Orleans, January 15, 1866.
(Signed) M. EGAN, *D'y U. S. Marshal.*

Notice to take testimony.—Filed January 16, 1866.

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
STR. ANNA PERRET. } No. 3,596.

To. C. Roselius, esqr.:

You are hereby notified that testimony will be taken in the above-entitled cause on Thursday, the 18th day of January, 1866, at the clerk's office of this court, at 5½ o'clock p. m., on behalf of libellants.
(Signed) F. B. VINOT, *D'y Clerk.*
New Orleans, January 16, 1866.

Marshal's return.

34 Received January 16th, 1866, and on the 17th day of same month and year served a copy of the within notice on C. Roselius, esq., permanently, at his office in Custom-house street, in this city.
New Orleans, January 17, 1866.
(Signed) J. J. PREIS,
Deputy U. S. Marshal.

Testimony for claimants and libellants.—Filed January 18, 1866.

UNITED STATES
vs.
ST'R ANNA PERRET. } No. 3,596.

W. Stephens, sworn for United States, says:

I have seen the Anna Perret in Red river frequently; she run between Shreveport and other points frequently; was commanded by Captain Carroll a part of the time, whom I understood to be the owner at that time.

Have no recollection of the description of freight she car-
35 ried, or that she at any time carried confederate troops; neither do I recollect that she carried a flag. I know generally that she made several trips in the confederate service.

She was engaged in the confederate service as a transport; don't recollect that she carried troops, or supplies either, or both. This was in 1863 and 1864.

Cross-ex.:

I have personal knowledge that the boat was used as a transport. I know she was such, officially and from having seen her. She was in the service by virtue of military orders.

Being asked what was the common report in that section with regard to the political sentiments of the owners or Mr. Phelps—

(Objected to by district attorney.)

Says: If their boats would not do service as required, they would be compelled to obey.

Mr. Phelps was reported to be a Union man.

36 Being requested to state all he knows that would be of any advantage to the owners of the boat—

(District attorney objects.)

Says: I know nothing further than I have stated.

Re-ex.:

I know that the Anna Perret was in the confederate service from my official knowledge and from having seen her thereon. I was assistant chief quartermaster of the district. I have seen orders to the boats to render service for the confederates, but don't remember having seen any for the Anna Perret.

I have no recollection that the captain of the Anna Perret refused to carry confederate freight. Don't know Captain Carrol's political sentiments.

(Signed) W. STEVENS.

Sworn to and subscribed before me, this 18th January, 1866.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

37 John Freeman, sworn for claimants, says:

I know the Anna Perret on Red river; was employed on her as first mate from about February to August, 1865. She was running for the confederate government then.

This boat made her runnings under military order, and were obeyed with reluctance. I know that the captain refused to obey these military orders in several instances:

1st. She refused to carry corn to Alexandria; at another time he refused to go to Jefferson; again, to go up to Old river with troops.

In consequence of these refusals she was forced to go; they had put a confederate officer on her, with a guard. Have seen a guard on board until the boat got under weigh. During the time I was there, except for about ten days, there was always a confederate officer on board this boat directing her movements. I don't know what Mr. Phelps's sentiments were, but I heard him curse the confederate government. Heard the captain and owners protest against doing confederate service; don't remember what expressions
38 were used, but they were not very mild.

Cross-ex.:

The Anna Perret carried whatever freight the confederates chosed to put on board while I was mate. I never knew her to carry freight without an order. She was under the confederate orders all the time.

I have seen as much as 6 or 7 orders in an hour for this boat.

In one or two occasions the captain refused to obey orders; I don't know what grounds he assigned for his refusal. He told the captain of the river transportation he could not carry their freight.

I don't know what other resistance he made. I know no more than what I heard pass between him and the officer. A guard was sent on board at that time to compel the boat to render the services.

Heard the captain say he did not care nor like to go to Jefferson, Texas; he was afraid the troops might take away the boat
39 from him. I never heard the captain assign for reasons of his refusal that he did not wish to serve the confederate government.

Mr. Phelps was in command of the boat, under the direction of the confederate officers, who had the right to send him wherever they wanted him. This confederate officer had charge of the boat altogether; he also looked to the cargo, and saw it properly put on board and ashore. I don't know what the duty of the guard was on board; consider the duty of the guard was to compel the boat to leave.

Mr. Phelps cursed the government of the conf., but I don't know for what reasons. I have seen the Anna Perret carry a flag; it was a white flag.

Re-ex.:

Had Mr. Phelps made any other kind of resistance than by words, he would have been put under arrest, and the boat would have been taken by the government. If Mr. Phelps had told the officer that he disliked and would not obey the orders, he would have stood a good

Testimony for claimants and libellants.—Filed January 18, 1866.

UNITED STATES
vs.
ST'R ANNA PERRET. } No. 3,596.

W. Stephens, sworn for United States, says:

I have seen the Anna Perret in Red river frequently; she run between Shreveport and other points frequently; was commanded by Captain Carroll a part of the time, whom I understood to be the owner at that time.

Have no recollection of the description of freight she car-
35 ried, or that she at any time carried confederate troops; neither do I recollect that she carried a flag. I know generally that she made several trips in the confederate service.

She was engaged in the confederate service as a transport; don't recollect that she carried troops, or supplies either, or both. This was in 1863 and 1864.

Cross-ex.:

I have personal knowledge that the boat was used as a transport. I know she was such, officially and from having seen her. She was in the service by virtue of military orders.

Being asked what was the common report in that section with regard to the political sentiments of the owners or Mr. Phelps—

(Objected to by district attorney.)

Says: If their boats would not do service as required, they would be compelled to obey.

Mr. Phelps was reported to be a Union man.

36 Being requested to state all he knows that would be of any advantage to the owners of the boat—

(District attorney objects.)

Says: I know nothing further than I have stated.

Re-ex.:

I know that the Anna Perret was in the confederate service from my official knowledge and from having seen her thereon. I was assistant chief quartermaster of the district. I have seen orders to the boats to render service for the confederates, but don't remember having seen any for the Anna Perret.

I have no recollection that the captain of the Anna Perret refused to carry confederate freight. Don't know Captain Carrol's political sentiments.

(Signed) W. STEVENS.

Sworn to and subscribed before me, this 18th January, 1866.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

37 John Freeman, sworn for claimants, says:

I know the Anna Perret on Red river; was employed on her as first mate from about February to August, 1865. She was running for the confederate government then.

This boat made her runnings under military order, and were obeyed with reluctance. I know that the captain refused to obey these military orders in several instances:

1st. She refused to carry corn to Alexandria; at another time he refused to go to Jefferson; again, to go up to Old river with troops.

In consequence of these refusals she was forced to go; they had put a confederate officer on her, with a guard. Have seen a guard on board until the boat got under weigh. During the time I was there, except for about ten days, there was always a confederate officer on board this boat directing her movements. I don't know what Mr. Phelps's sentiments were, but I heard him curse the confederate government. Heard the captain and owners protest against doing confederate service; don't remember what expressions
38 were used, but they were not very mild.

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I don't know what other resistance he made. I know no more than what I heard pass between him and the officer. A guard was sent on board at that time to compel the boat to render the services.

Heard the captain say he did not care nor like to go to Jefferson, Texas; he was afraid the troops might take away the boat
39 from him. I never heard the captain assign for reasons of his refusal that he did not wish to serve the confederate government.

Mr. Phelps was in command of the boat, under the direction of the confederate officers, who had the right to send him wherever they wanted him. This confederate officer had charge of the boat altogether; he also looked to the cargo, and saw it properly put on board and ashore. I don't know what the duty of the guard was on board; consider the duty of the guard was to compel the boat to leave.

Mr. Phelps cursed the government of the conf., but I don't know for what reasons. I have seen the Anna Perret carry a flag; it was a white flag.

Re-ex.:

Had Mr. Phelps made any other kind of resistance than by words, he would have been put under arrest, and the boat would have been taken by the government. If Mr. Phelps had told the officer that he disliked and would not obey the orders, he would have stood a good

chance of being hung. The whole of that section was under military rule then; there was no civil law there.

Re-cross-ex.:

Know that Mr. Phelps has been arrested and taken off his boat once; don't know for what offence.

(Signed) JOHN FREEMAN.

Sworn to and subscribed before me, this 18th January, 1866.

(Signed) CH'S CLAIBORNE,
U. S. Commissioner.

40 *Notice to take testimony.*

United States circuit court, eastern district of Louisiana.

UNITED STATES
vs.
ST'R ANNA PERRET. } No. 3,596.

To C. Roselius, esq.:

You are hereby notified that testimony will be taken in the above-entitled cause on Thursday, the 25th day of January, 1866, at the clerk's office of this court, at 5½ o'clock p. m., on behalf of libellant.

[SEAL.] (Signed) F. B. VINOT, *D'y Clerk.*

New Orleans, Jan'y 23d, 1866.

Marshal's return.

Received January 23d, 1866, and on the 24th day of same month and year served a copy of the within notice on C. Roselius,
41 esq'r, in the hands of A. Philips, esq'r.

January 24th, 1866.

(Signed) M. EGAN,
D'y U. S. Marshal.

Testimony for libellants.—Filed January 26, 1866.

UNITED STATES
vs.
STEAMER ANNA PERRET. } No. 3,596.

E. Richard, sworn for U. S., says:

I have known this boat in 1865, at Natchitoches, on Red river, also at Grand Ecore. She was in the private trade then; and whilst in that trade, when she had come down with cotton a guard was sent in her, because we were afraid she would go into the Federal lines, and not return to the conf. Saw her but once with a guard. Saw but two boats, the Anna Perret and Lafourche, and they had a guard on board. Never saw any troops on the Anna Perret; neither corn or supplies of any kind.

42 Cross-examined:

The Anna Perret came down in 1865; she came down to the mouth of Red river from Natchitoches with cotton, and brought back supplies. Mr. Phelps's brother was on board; heard people called him captain. When the boat had come down to Natchitoches the confederates seized the boat and cargo and arrested Mr. Phelps. The cargo was confiscated; the boat was still in possession of the confederates when I left Natchitoches, and Mr. Phelps still under arrest; the ground of his arrest was for disposing of the goods to the planters, instead of letting the government have them.

Mr. Phelps came up there; the people generally considered him as a Yankee, and the fact is, every one that came from the Federal lines was considered a Yankee. The citizens at large considered him more loyal to the federals than the confederacy. The people were satisfied that he was arrested, because they thought the goods would be sold for their benefit.

43 Re-ex.:

The Anna Perret had to obtain the permission from the confederate authorities before she could come down the Red river with cotton.

With a permit she could pass the confederate pickets.

Re-cross ex.:

Don't know that the Anna Perret had such a permit or not, but I know that a boat could not pass the pickets without a permit unless they could run through the pickets and subject themselves to be fired on.

Testimony taken before Charles Claiborne, U. S. commissioner, Jan'y 26, 1866, in presence of dist. attorney A. C. Roselius, esq.

Testimony for claimants.—Filed January 26th, 1866.

UNITED STATES
vs. } No. 3,596.
ST'R ANNA PERRET.

G. W. Tyson, sworn for claimants, says: I know Mr. Phelps;
44 know him in Red river.

He was supposed to be rather disloyal to the confederate government.

I know that the boat was taken by the confederates with her cargo at Natchitoches. The cargo was distributed among the anthorities of the various departments.

I was on board this boat when she was taken by the confederates.

There was a great deal of excitement against Phelps at that time, the soldiers wanted to burn his boat.

Both soldiers and citizens were indignant against him. Heard of no violence used against him, but I heard harsh language used against him.

Cross-examined:

This was in February or March, '65. This outcry against Phelps was for carrying cotton down and bringing goods up. I suppose the confederate pickets would not allow a boat to pass without a permit, but it was an easy matter to run the blockade at that time.
45 The boat had to pass by Alexandria to come down the river. Alexandria was then a military post, but don't know that cannons had been planted there at that time. I have been at Alexandria. I would not suppose that a boat would run the blockade if she intended to return with goods.

Don't know what was the cause of Phelps' arrest. Suppose it was for disloyalty.

Testimony for claimants.—Filed January 26, 1866.

UNITED STATES
vs.
ST'R ANNA PERRET. } No. 3,596.

J. Morgan, sworn for claimant, says: I was the pilot of the Anna Perret for 9 months in all, but running her only 4 or 5 months. I know that this boat was seized at Natchitoches. I left the place before she was released, and I think she too left before she was
46 released. She run away, but was caught, I suppose. I myself left in a right smart hurry; they wanted to arrest me too for having brought the boat down to the mouth of the river. I had been trading a little myself.

Don't know what became of the cargo after it had been seized. I know one thing that I did not get my goods back. Mr. Phelps was arrested on that occasion, and had been in charge of the boat and cargo. Don't know how long he remained under arrest. The general opinion up there was against Mr. Phelps; he was considered a Yankee and disloyal to the confederates.

Cross-ex.:

I don't know for what cause Phelps was arrested. I did not remain long enough there. It was too hot for me.

I was the pilot of the Anna Perret when she came down to the mouth of Red river and back. We had taken this cotton in at different places along the river.

We got a part of the cotton from the plantation of George
47 Robertson, above Alexandria and Natchitoches. We stopped at Alexandria.

This was a military post at the time.

A federal gunboat lay off the mouth of Red river when we got there.

We had communication with that gunboat.

Raised a flag of truce and communicated with her under it. Don't know who raised that flag of truce.

There was a confederate officer on board at that time.

The yaul from the gunboat came alongside the Perret and an officer came aboard. Don't know what for he came on board.

(Signed) JOSEPH MORGAN.

Sworn to and subscribed before me, this 26th January, 1866.

(Signed) CHS. CLAIBORNE,
U. S. Commissioner.

It is agreed that the testimony of Mr. Morgan with regard to the reputation of Mr. Phelps about his disloyalty to the government of the confederates in this case can be also used as evidence in the case of the Lelia.

48 *Supplemental and amended answer.—Filed March* 21, 1866.

United States circuit court.—Steamer Anna Perret.

UNITED STATES
vs.
STEAMER ANNA PERRET. } No. 3,596.

The supplemental and amended answer filed by Harlow J. Phelps, claimant of the steamer Anna Perret, as already shown, with leave of the court—

Respectfully shows, that your claimant has been advised, verily believes, and therefore maintains, that the United States are not entitled to prosecute this suit nor to condemn the said steamer because by the convention entered into at New Orleans, on the 26th May, 1865, between General E. K. Smith, commanding the trans-Mississippi department and Major General E. R. S. Canby, commanding the military division of West Mississippi, putting an end to
49 hostilities in Louisiana, surrendering all munitions of war, military stores, and public property, &c., in the trans-Mississippi department, commanded by said General E. K. Smith, it was expressly stipulated and agreed by the 4 paragraph of said convention, that private property will not be interfered with unless required for public use, &c., &c., and inasmuch as the steamer Anna Perret was private property within the limits of the trans-Mississippi department, commanded by General E. K. Smith, at the time of the signing and executing the aforesaid convention, she is protected against all and every claim of forfeiture and confiscation of the United States, which have ratified and sanctioned the aforesaid convention, and she cannot be molested for any act of a hostile nature done prior to the aforesaid 26th May, 1865, the day of the entering into, and executing said convention, and whereas all the acts of which the libel complains and on which the United States claim to confiscate the said steamer Anna Perret, occurred prior to the 26th May, 1865, and which hostilities existed in the trans-Mississippi depart-
50 ment, which were terminated by the aforesaid convention, which in consideration of the cessation of hostilities, the surrender of all arms, military stores, and public property extended pro-

tection to and abandoned all claims to private property. The respondent prays this humble court to dismiss the libel and restore said steamer to the claimant and owner.

(Signed) HARLOW J. PHELPS.
(Signed) C. ROSELIUS,
(Signed) G. SCHINETD, *Proctors.*

Sworn to and subscribed before me, this 21st March, 1866.
(Signed) F. B. VINOT, *D'y C'k.*

[5-cts. stamp, cancelled.]

Order.

Let this supplemental answer be filed, March 21, 1866.
(Signed) E. H. DURELL, *Judge.*

Note of evidence.—Filed March 22d, 1866.

UNITED STATES
vs.
STEAMER ANNA PERRET. } No. 3,596.

District attorney offered in evidence the testimony on file, and taken on behalf of the libellants as well as for the claimants.

51 A. H. Isaacson, J. M. Grace, T. T. Hardie, sworn for defendants.

Defendants offered documents A, B, C, D, E.

The testimony in favor of libellants as well as for the claimants, is copied at pages of this transcript.

Document A.—Filed March 22d, 1866.

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
NEW ORLEANS, LA., *May* 26, 1865.

General orders, No. 61:

I. By the terms of a convention entered into this day, on the part of General E. K. Smith, commanding the trans-Mississippi department, and Major General E. R. S. Canby, commanding the military division or West Mississippi, the forces naval and military of the trans-Mississippi department, and the public property under their control, have been surrendered to the authorities of the United

52 States. In carrying out the stipulations of this convention, the following conditions will be observed:

1. All acts of hostility on the part of both armies are to cease from this date.

2. The officers and men of the confederate army and navy within the limits of the trans-Mississippi department to be paroled until duly exchanged, or otherwise released from their obligations of their paroles by the authority of the government of the United States. Duplicate rolls of all officers and men paroled to be retained by such officers as may be designated by the parties to this convention; officers

giving their individual paroles, and commanders of regiments, battalions, companies, or detachments, signing a like parole for the men of their respective commands.

3. Artillery and small-arms, ammunition, and other property of the confederate government, including gunboats and transports, to be turned over to the officers appointed to receive them on the
53 part of the government of the *government of the* United States.

Duplicate inventories of the property to be surrendered to be prepared; one copy to be retained by the officer delivering, and the other by the officer receiving it, for the information of their respective commanders.

4. The officers and men paroled under this agreement to be permitted to return to their homes, with the assurance that they will not be disturbed by the authorities of the United States, so long as they continue to observe the condition of their paroles, and the laws in force where they reside. Persons residents of northern States and not excepted in the amnesty proclamation of the President, will be permitted to return to their homes on taking the oath of allegiance to the United States. See paragraph II, general orders No. 55, current series.

5. The surrender of property will not include the side arms, or private horses, or baggage of officers, nor the horses which are in good faith the private property of enlisted men. These last will be allowed to take their horses to their homes, to be used for
54 private purposes only.

6. The time, mode, and place of paroling, and surrender of property, will be fixed by the respective commanders, and will be carried out by commissioners appointed by them.

7. The terms and conditions of this convention to extend to all officers and men of the army and navy of the Confederate States, being in, or belonging to, the trans-Mississippi department.

8. The troops and property to be surrendered within the limits of the division of Missouri will be turned over to commissioners appointed by the commander of that division, and the men and material of the navy to commissioners appointed by commanders of the Mississippi and West Gulf squadrons respectively, according to the limits in which the said men and material may be found.

9. Transportation and subsistence to be furnished at public cost to the officers and men (after they being paroled) to the nearest practicable point to their homes.

55 10. If the U. S. troops designated for the garrisons of interior points should not reach their destinations before the work of paroling is completed, suitable guards will be detailed for the protection of the public property. These guards, when relieved, will surrender their arms, and be paroled in accordance with the terms of this convention.

II. The U. S. troops sent into the interior of the country will be kept well in hand, in a state of the most exact discipline, and in constant readiness for any service which they may be called upon to perform. When detachments are made for the purpose of protect-

ing the inhabitants against jayhawkers, and other lawless characters, and on all marches through the country, the conduct of officers and men must be such as to inspire the people with confidence and respect, and no depredations, however slight, or interference with the citizens in their lawful pursuits, will be permitted.

III. To guard against the waste or loss of public property, not under the control of the confederate military and naval author-
56 ities, the civil officers or agents in charge of such property will be regarded as in the service of the United States until relieved by the proper officers or agents of that government. All sales of such property, or transfers, except to the authorized agents of the government, are forbidden; and any attempt to conceal or withhold it will work the immediate forfeiture of any private interest that may be involved.

IV. Private property will not be interfered with unless required for public use, and where this is necessary, it will be taken in an orderly and regular manner, under the orders of the commanding officer, and the proper receipts will be given. Property so received will be disposed of and acounted for as any other public property.

V. 1. Until the commercial restrictions, and the blockade of the Gulf ports are removed by the President, no foreign or general commerce with those ports or with the interior of the country west of the Mississippi, (within the limits of this division,) can be per-
57 mitted, and trade will be limited to the wants of the army and navy, and the necessities of the inhabitants within the limits of military occupation. To the extent of these necessities, military permits and clearances may be given for supplies not prohibited by existing orders; but no permit or clearance will be given to any point that is not occupied by a military or naval force.

2. In the neighborhood of military posts the inhabitants may freely bring in their produce and take out such supplies as may be required for plantation or family use. Live stock, provisions of all kinds, fuel, and other products and material required by the army and navy, or for the use of the inhabitants, may be freely sold in open market; but no other products of insurrectionary districts can be sold or shipped, except by delivery to the quartermaster department for consignment to a purchasing agent of the Treasury Department.

3. No trade-stores or trade-permits for the interior will be permitted or recognized until the regulations of the Treasury De-
58 partment can be extended over the country to be occupied, and until then no clearances or permits will be granted for any point that is not occupied by the troops of the United States.

VII. Under the authority of the Executive order of April 29th, 1865, all well-disposed persons "who accept in good faith the President's invitation to return to peaceful pursuits," are assured that they may resume their usual avocations, not only without molestation, but, if necessary, under the protection of the United States troops, conforming to the regulations of the Treasury Department, and to the

additional condition of not fabricating or dealing in articles contraband of war.

By order of Major General E. R. S. Canby.

C. T. CHRISTENSEN,
Lt. Col. Ass't Adjutant Gen'l.

Official:
(Signed) J. SCHUYLER CROSBY,
A. A. A. G.

59 *Document B.—Filed March 22d*, 1866.

5,967. H'D Q'TRS TRANS-MISS. DEP'T.,
SHREVEPORT, *March* 17, 1865.

SIR: You are directed to arrest H. J. Phelps, conscript, if in your dist., immediately on receipt of this order and send him under guard to Col. Randolph, at Shreveport.

By command of Gen'l E. Kirby Smith.
(Signed) W. R. BOGGS,
Brig. Gen'l Ch'f Staff.

Lieut. PRUDHOMME,
E. O. Natchitoches, La.

Official:
GOODELL, *Capt. and Adj't.*

Document C.—Filed March 22d, 1866.

OFFICE DEPOT-QUARTERMASTER,
GRAND ECORE, LA., *April* 24, 1866.

Capt. W. C. YOUNGBLOOD,
St'r Anna Perret:

60 Will report with his boat to J. H. C. Campbell, agent of st. J. J. Ezelb, Ac. Q. M., 2d La. cavalry, for the purpose of procuring a load of corn; as per instructions from Major Sam'l K. Hags, ch'f qr. master, dist. W. La.
(Signed) THOMAS L. AIRY,
Capt. and A. Q. M.

Document D.—Filed March 22d, 1866.

OFFICE DEPOT-Q'RMASTER,
GRAND ECORE, *April 16th*, 1865.

Capt. YOUNGBLOOD,
Steamer Anna Perret:

Will proceed with his cargo of corn to Natchitoches, and report to Capt. J. W. Sims, quartermaster of the post.
(Signed) THOMAS L. AIRY,
Capt. and A. Q. M.

61 *Document E.—Filed March 22d, 1866.*

OFFICE DEPOT QR. MASTER,
GRAND ECORE, LOUISIANA, *April* 27, 1865.

The steamer Anna Perret will report to Mr. Chs. L. Zimmerman, agent Q. M. dept., for transportation of forage to this point.

(Signed) THOS. S. AIREY, *Capt. and A. Q. M.*

To Capt. W. C. YOUNGBLOOD, *Steamer Anna Perret.*

Hearing and submission.—From the minutes, March 22, 1866.

UNITED STATES
vs.
STEAMER ANNA PERRET, &c. } No. 3,596.

This cause came up for trial, district attorney for libellants, C. Roselius, esqr., and G. Schmidt, esqr., proctors for claimants.

When, after hearing the pleadings, evidence, and argument, the court took time to consider and granted leave to the claimants to furnish a copy of the military convention entered into between Generals Canby and Kirby Smith, on the 26 May, 1865.

62 *Judgment dismissing libel.*

Circuit court of the United States, sixth circuit and eastern district of Louisiana.—April term, 1866.

NEW ORLEANS, *Saturday, June* 30, 1866.

Court met pursuant to adjournment. Present the Hon. Edw. H. Durell, dist. judge.

UNITED STATES
vs.
STEAMER ANNA PERRET. } No. 3,596.

For reasons orally assigned by the court in the case of the United States *vs.* the steamer Frolic, No. 3,595 of the docket, it is ordered, adjudged, and decreed, that the libel be dismissed and that the property seized be restored to the claimant upon the payment of all costs, and a fee of $400 to the district attorney.

Judgment rendered June 30, 1866.
Judgment signed June 30, 1866.

(Signed) E. H. DURELL, *Judge.*

63 *Petition of appeal.—Filed July 6th, 1866.*

United States circuit court.

UNITED STATES
vs.
STR. ANNA PERRET, &c. } No. 3,596.

To the hon. the judges of the circuit court of the United States for sixth circuit and east. dist. of La.

The petition of Jno. K. Goodloe, United States attorney, in the

name and behalf of the United States of America, libellants herein, respectfully represents:

That a final sentence and decree was entered on the 30th day of June, 1866, in the above-entitled cause, in the said U. S. circuit court for the eastern district of Louisiana, in and by which said final sentence and decree it was ordered, adjudged, and decreed that the libel herein be dismissed and the property seized restored to the claimants; that said final sentence and decree is adverse to libellants and to their manifest injury and prejudice; that the mat-
64 ter in controversy exceeds in value the sum of two thousand dollars; that your petitioner, in behalf as aforesaid, feels aggrieved by the rendition of said final decree, and is advised that the same is erroneous and ought to be reversed.

Wherefore your petitioner, in behalf as aforesaid, doth hereby appeal from said final decree to the Supreme Court of the United States, returnable on the first Monday of December next, and prays this honorable court to grant him a suspension appeal, the same to operate as a supersedias, and that said final sentence and decree may be reversed, and such other decree thereupon made as to the said Supreme Court shall seem just, and that a transcript of the record and proceedings in this case, duly authenticated, may be sent up to the said Supreme Court without delay.

(Signed) C. S. KELLOGG,
Asst. U. S. Attorney.

An appeal to operate as a supersedias is allowed in this case as prayer for, returnable to the Supreme Court of the United
65 States the first Monday in December next, the appellants being by law dispensed from giving bond and security in judicial proceedings.

July 6th, 1866.

(Signed) E. H. DURELL, *Judge.*

66 United States of America, circuit court of the United States, sixth circuit and eastern district of Louisiana.

CLERK'S OFFICE.

I, Charles Claiborne, clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, do hereby certify that the foregoing 65 pages contain and form a full, complete, true and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of the United States *vs.* the steamer Anna Perret, her tackle, apparel, &c, No. 3,596 of the docket, so far as the same now remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 18th day of August, A. D. 1866.

[SEAL.] CHS. CLAIBORNE, *Clerk.*

5-ct. revenue stamp, cancelled.

I, E. H. Durell, United States judge for the eastern district of Louisiana, do hereby certify that Charles Claiborne, whose name is signed to the above certificate as clerk of the circuit court of the United States for the sixth circuit and eastern district of Louisiana, was at the time of signing said certificate, and is now, the clerk of said court; that said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand and seal at the city of New Orleans, in said district, this 18th day of August, A. D. 1866.

E. H. DURELL, *Judge.*

5-ct. revenue stamp, cancelled.

67

68 THE UNITED STATES OF AMERICA,
Eastern District of Louisiana:

The President of the United States to J. E. Phelps, claimant and defendant, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the city of Washington, on the first Monday of December next, pursuant to a petition and order of appeal filed in the clerk's office of the circuit court of the United States for the 6th circuit and eastern district of Louisiana, to answer the appeal taken by the United States of America in this cause, and that you show cause, if any there be, why the judgment rendered against the United States, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this seventh day of July, in the year of our Lord one thousand eight hundred and sixty-six.

E. H. DURELL, *Judge.*

Marshal's return.

Received July 12th, 1866, and on the same day, month, and year served a copy of the within citation on J. E. Phelps, the claimant and defendant named herein, by leaving the same in the hands of C. Roselius, esqr., attorney for said Phelps, at the office of said attorner, No. 78 Custom-house street, in this city.

New Orleans, July 12, 1866.

M. EGAN, *D'y U. S. Marshal.*

69 THE UNITED STATES OF AMERICA,
Eastern District of Louisiana:

The President of the United States to Harlow J. Phelps, claimant and defendant, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at the city of Wash-

ington, on the first Monday of December next, pursuant to a petition and order of appeal filed in the clerk's office of the circuit court of the United States for the 6th circuit and eastern district of Louisiana, to answer the appeal taken by the United States of America in this cause, and that you show cause, if any there be, why the judgment rendered against the said United States, as in said petition mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Salmon P. Chase, Chief Justice of the Supreme Court of the United States, this 7th day of July, in the year of our Lord one thousand eight hundred and sixty-six.

E. H. DURELL, *Judge.*

70

Marshal's return.

Received July 12th, 1866, and on the same day, month, and year served a copy of the within citation on Harlow J. Phelps, claimant and defendant named herein, by giving the same into the hands of C. Roselius, esqr., attorney for said Phelps, at the office of said attorney, No. 78 Custom-house street, in this city.

New Orleans, July 12, 1866.

(Signed) M. EGAN, *D'y U. S. Marshal.*